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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,028	05/02/2006	Wolfgang Gottmann	S3-03P07671	4067
24131 7590 05/04/2007 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER NGUYEN, TRAN N	
			ART UNIT 2834	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,028	Applicant(s) GOTTMANN ET AL.	
	Examiner Tran N. Nguyen	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. **Figure 1** should be designated by a legend such as **—Prior Art—**because only that which is old is illustrated. See MPEP § 608.02(g).

Specification

3. The disclosure is objected to because of the following informalities:

The specification repeatedly refers to the claims. According to the MPEP, the specification disclosure should not make referring to claims as part of the detail description of the invention.

Appropriate correction is required.

Claim Objections

4. Claims 1-23 are objected because of the following: all the abbreviation terms such as “EMC”, “EMI” or “SMD” should be completely spelled out in the claims for clarification of the claimed language.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, “said attenuation element having a high resistance for high-frequency signals, containing a ferrite material” is indefinite because the term “high resistance” and “high frequency” are relative terms and considered to be indefinite because the claim does not recite any range of resistance value or range of frequency value to define the so-called “high resistance” and “high frequency”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11, 13-15 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Lee (US 5,997,267).

Lee discloses a circuit configuration for EMC interference suppression for a direct current motor (fig 1, 5-6) the direct current motor having a supply line (unnumbered) and a printed circuit controlling the direct current motor, the circuit configuration comprising: an attenuation element (100, 200) connected in the supply line of the direct current motor, said attenuation element (100, 200) having a high resistance for high-frequency signals, containing a ferrite material, and being disposed on the printed circuit, wherein the motor has a housing (1, 7, 8), and said attenuation element (100, 200) and the printed circuit of the circuit board (6) are disposed as close as possible to or particularly the attenuation is located in housing of the motor (fig 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 11-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haag et al (US 6,232,684)** in view of **Parker (US 5,896,079)**.

Haag discloses a circuit configuration for an EMC inference suppression for a DC motor (Figs 1 and 6-7) circuit configuration for EMC interference suppression for a direct current motor, the direct current motor having a supply line and a printed circuit of the circuit board (84) (figs 1-2, and 5-7) controlling the direct current motor, the circuit configuration comprising: an attenuation element (78, 80) are ferrite chip connected in the supply line of the direct current motor, and being disposed on the printed circuit (6) for controlling the direct current motor, wherein the motor has a housing (figs 1-2, 5-7) and said attenuation element (78, 80) and printed circuit of the circuit board (84) are disposed in said housing, and the attenuation element (78, 80) are configured as low profile surface mounted devices, i.e., SMD or IC chip.

Haag substantially discloses the claimed invention, except for the following limitations:

- (a) the attenuation element having a high resistance for high-frequency signals, and is a common mode ferrite; and,
- (b) the direct current motor is configured to drive an auxiliary assembly for a motor vehicle selected from the group of a transmission control, windshield wipers, a window closing system, and a seat adjuster.

Parker, however, teaches an attenuation element is common mode ferrite for surface mounting on a circuit board, wherein the attenuation element has very high resistance range and a very wide frequency range for improving the EMC interference suppression.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the circuit module by providing the attenuation element of common mode ferrite that has very high resistance range and a very wide frequency range and suitable for surface mounting on a circuit board, as taught by Parker. Doing so would improve the EMC interference suppression for the motor power supply circuit.

Regarding the limitations of the motor that is configured to drive an auxiliary assembly for a motor vehicle selected from the group of a transmission control, windshield wipers, a window closing system, and a seat adjuster, those skilled in the art would understand that these are few of various suitable industrial application of DC motors. Furthermore, any DC motor would have a power supply circuit that associates with the motor's brushes and/or commutator; therefore, it would have been obvious to an artisan to incorporate disclosed circuit configuration or switching circuit module that is provided with the disclosed attenuation element, as taught by Haag in view of Parker.

Thus, and it would have been obvious to one skilled in the art at the time the invention was made to select various suitable implementations for the motor such as to drive an auxiliary assembly for a motor vehicle selected from the group of a transmission control, windshield wipers, a window closing system, and a seat adjuster. Doing so would enable the motor to be used as a driving means in many well-known industrial applications.

Communication

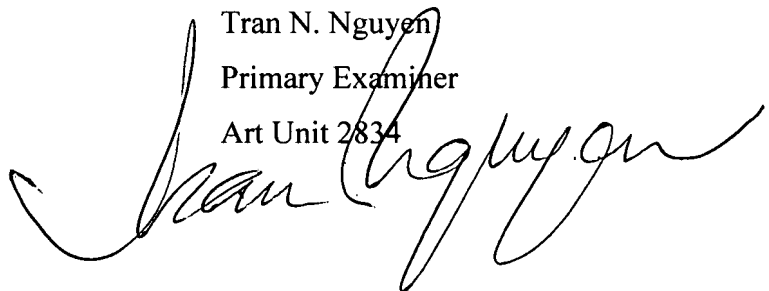
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is 571-272-2030. The examiner can normally be reached on 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. **(Note: Use this Central Fax number 571-273-8300 for all official response.)**

Do **not** use the Examiner's RightFax number without informing the Examiner first because, according to the USPTO policy, any document being sent via RightFax is treated as unofficial response and will not be officially dated until it is routed to the Central Fax.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tran N. Nguyen
Primary Examiner
Art Unit 2834

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', is written over the typed name and title.